

Gentry, Thomas R (WAS)

From: McFarland, Robert W. <rmcfarland@mcguirewoods.com>
Sent: Thursday, March 12, 2020 6:50 PM
To: Wingfield, Alan D.
Cc: Noonan, Jeanne E.; Cooper, Massie P.; Peterson, Ashley P.; Hatch, Benjamin L.; Dougherty, Vera Kathleen; Justus, J. Brent; Gollogly, Krystal Lynne; Lacy, Michael E.; Lynch, John C.; Flowers, Elizabeth Spain; Knudsen, Kathleen M.; mmccarroll@redgravellp.com; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; wespipey@kaufcan.com; cjbelote@kaufcan.com; Reinhart, Tara L (WAS); Thornburgh II, John R (WAS); Gentry, Thomas R (WAS); Stephanie Hunter; Armond Joyner
Subject: [Ext] Re: CSXT, et al v. NS, et al - Deposition Notices and Subpoena

Yes- let's talk at 900 am. We will circulate a call- in #.

Robert W. McFarland
McGuire Woods
(757)640-3716

On Mar 12, 2020, at 5:36 PM, Wingfield, Alan D. <Alan.Wingfield@troutman.com> wrote:

****EXTERNAL EMAIL; use caution with links and attachments****

Can we regroup tomorrow regarding progress on deposition scheduling? Alan

Alan D. Wingfield

troutman sanders

Direct: 804.697.1350

alan.wingfield@troutman.com

From: Noonan, Jeanne E. <jnoonan@mcguirewoods.com>
Sent: Thursday, March 12, 2020 9:25 AM
To: Wingfield, Alan D. <Alan.Wingfield@troutman.com>; McFarland, Robert W. <rmcfarland@mcguirewoods.com>; Cooper, Massie P. <Massie.Cooper@troutman.com>
Cc: Peterson, Ashley P. <APeterson@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; Dougherty, Vera Kathleen <vkdougherty@mcguirewoods.com>; Justus, J. Brent <bjustus@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; mmccarroll@redgravellp.com; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; wespipey@kaufcan.com; cjbelote@kaufcan.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-

law.com>; Armond Joyner <ajoyner@cwm-law.com>

Subject: RE: CSXT, et al v. NS, et al - Deposition Notices and Subpoena

EXTERNAL SENDER

Alan,

Rob is in the deposition and unavailable this morning. We are still working to nail down some details and hope to have some confirmations by the end of the day today.
Could we schedule the call for first thing tomorrow morning?

Thank you,
Jeanne

Jeanne E. Noonan

McGuireWoods LLP

T: +1 757 640 3719 | M: +1 757 289 6526

From: Wingfield, Alan D. <Alan.Wingfield@troutman.com>

Sent: Thursday, March 12, 2020 9:17 AM

To: McFarland, Robert W. <rmcfarland@mcguirewoods.com>; Cooper, Massie P. <Massie.Cooper@troutman.com>

Cc: Noonan, Jeanne E. <jnoonan@mcguirewoods.com>; Peterson, Ashley P. <APeterson@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; Dougherty, Vera Kathleen <vk dougherty@mcguirewoods.com>; Justus, J. Brent <bjustus@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; mmccarroll@redgravellp.com; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; wespivey@kaufcan.com; cjbelote@kaufcan.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyner@cwm-law.com>

Subject: RE: CSXT, et al v. NS, et al - Deposition Notices and Subpoena

****EXTERNAL EMAIL; use caution with links and attachments****

Rob,

Following up on the meet and confer. Are you available for a call this morning to set deposition dates and times? I will call you at 11 if that works for you. We need to get the schedule resolved as soon as possible.

Alan

Alan D. Wingfield

troutman sanders

Direct: 804.697.1350

alan.wingfield@troutman.com

From: McFarland, Robert W. <rmcfarland@mcguirewoods.com>
Sent: Tuesday, March 10, 2020 4:46 PM
To: Cooper, Massie P. <Massie.Cooper@troutman.com>
Cc: Noonan, Jeanne E. <jnoonan@mcguirewoods.com>; Peterson, Ashley P. <APeterson@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; Dougherty, Vera Kathleen <vkdougherty@mcguirewoods.com>; Justus, J. Brent <bjustus@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; mmccarroll@redgravellp.com; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; wespivey@kaufcan.com; cjbelote@kaufcan.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyner@cwm-law.com>
Subject: Re: CSXT, et al v. NS, et al - Deposition Notices and Subpoena

EXTERNAL SENDER

I will check on that.

Robert W. McFarland
McGuire Woods
(757)640-3716

On Mar 10, 2020, at 4:13 PM, Cooper, Massie P. <Massie.Cooper@troutman.com> wrote:

****EXTERNAL EMAIL; use caution with links and attachments****

Rob,

The address given by CSX in its discovery responses for Tony Macdonald is [REDACTED]. You mentioned on the call that he currently lives in [REDACTED]. Can you provide us with an updated address?

Thanks,
Massie

Massie P. Cooper
troutman sanders
Direct: 804.697.1392
massie.cooper@troutman.com

From: Cooper, Massie P.
Sent: Tuesday, March 10, 2020 4:01 PM
To: Noonan, Jeanne E. <jnoonan@mcguirewoods.com>; Peterson, Ashley P. <APeterson@mcguirewoods.com>; McFarland, Robert W.

<rmcfarland@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; Dougherty, Vera Kathleen <vkdougherty@mcguirewoods.com>; Justus, J. Brent <bjustus@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; mmccarroll@redgravellp.com; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; wespivey@kaufcan.com; cjbelote@kaufcan.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyner@cwm-law.com>

Subject: RE: CSXT, et al v. NS, et al - Deposition Notices and Subpoena

Rob,

This is to confirm what was discussed during the meet and confer this morning.

1. You will check on availability for Giradot, Warren, Strongosky, and Kenny for March 18, 19, 20, 23.
2. Defendants are willing to book two depositions on the same day. If CSXT is not willing to conduct two depositions on the same day, we can move Dideo and Ingram to free up availability for the above witnesses on the 18th and 19th.
3. The Burns deposition will occur on March 25th in Norfolk.
4. Tony McDonald no longer works for CSXT, so we will serve him with a deposition subpoena.

Massie

Massie P. Cooper

troutman sanders

Direct: 804.697.1392

massie.cooper@troutman.com

From: Noonan, Jeanne E. <jnoonan@mcguirewoods.com>

Sent: Monday, March 9, 2020 6:54 PM

To: Cooper, Massie P. <Massie.Cooper@troutman.com>; Peterson, Ashley P.

<APeterson@mcguirewoods.com>; McFarland, Robert W.

<rmcfarland@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>;

Dougherty, Vera Kathleen <vkdougherty@mcguirewoods.com>; Justus, J. Brent

<bjustus@mcguirewoods.com>; Gollogly, Krystal Lynne

<KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>;

Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C.

<john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>;

Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>;

mmccarroll@redgravellp.com; jchapman@cwm-law.com; wrsnow@cwm-law.com;

ddavenport@cwm-law.com; dhartnett@cwm-law.com; wespivey@kaufcan.com;

cjbelote@kaufcan.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyner@cwm-law.com>

Subject: RE: CSXT, et al v. NS, et al - Deposition Notices and Subpoena

EXTERNAL SENDER

Massie,

Rob is available for a meet and confer tomorrow morning at 11:30 a.m.
If you could please circulate a dial in to the group, the parties can discuss the issue further at that time.

Thank you,
Jeanne

Jeanne E. Noonan

McGuireWoods LLP

T: +1 757 640 3719 | M: +1 757 289 6526

From: Cooper, Massie P. <Massie.Cooper@troutman.com>
Sent: Monday, March 9, 2020 4:55 PM
To: Noonan, Jeanne E. <jnoonan@mcguirewoods.com>; Peterson, Ashley P. <APeterson@mcguirewoods.com>; McFarland, Robert W. <rmcfarland@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; Dougherty, Vera Kathleen <ykdougherty@mcguirewoods.com>; Justus, J. Brent <bjustus@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; mmccarroll@redgravellp.com; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; wespivey@kaufcan.com; cjbelote@kaufcan.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyner@cwm-law.com>
Subject: RE: CSXT, et al v. NS, et al - Deposition Notices and Subpoena

****EXTERNAL EMAIL; use caution with links and attachments****

Jeanne,

Counsel for NPBL did not have an objection to double booking all depositions, but could not accommodate the specific date that CSXT originally scheduled two depositions. We, of course, were happy to accommodate this request and allow CSXT to take the deposition of Jeff Heller after CSXT's discovery period ended. We have confirmed with NPBL that it has no blanket objection to having two depositions occur on the same day. Therefore, the dates of March 16, 17, 18, 19, 20, and 23 are available for the depositions of Messrs. Giradot, Warren, and Strongosky.

NSR is permitted to conduct depositions as it sees fit until the close of its discovery period with the local rule giving guidance on what is reasonable

notice. It is not reasonable for CSXT to say that Messrs. Giradot, Warren, and Strongosky are *all* unavailable for the 6 business days in a row that NSR has requested to take their depositions. As I have no doubt that you are aware, NSR's expert report is due on March 25 making this date far from an "arbitrary cut-off."

Please provide availability for Messrs. Giradot, Warren, and Strongosky between March 16 and 23 and either confirm availability for Mr. Burns on March 20 or provide additional availability. We are amenable to Mr. Burns deposition occurring after March 25 if necessary.

I am available for a meet and confer call on this issue tomorrow between 10:30 a.m. and 1:00 p.m. or after 2:00 p.m.

Massie

Massie P. Cooper

troutman sanders

Direct: 804.697.1392

massie.cooper@troutman.com

From: Noonan, Jeanne E. <jnoonan@mcguirewoods.com>
Sent: Monday, March 9, 2020 9:59 AM
To: Cooper, Massie P. <Massie.Cooper@troutman.com>; Peterson, Ashley P. <APeterson@mcguirewoods.com>; McFarland, Robert W. <rmcfarland@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; Dougherty, Vera Kathleen <vk dougherty@mcguirewoods.com>; Justus, J. Brent <bjustus@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; mmccarroll@redgravellp.com; jchapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; wespivey@kaufcan.com; cjbelote@kaufcan.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyner@cwm-law.com>
Subject: RE: CSXT, et al v. NS, et al - Deposition Notices and Subpoena

EXTERNAL SENDER

Massie,

CSXT first identified Messrs. Girardot, Warren, and Strongosky as individuals with relevant knowledge on November 8, 2019, and Mr. Burns on December 18, 2019. Yet NS did not notice any of these witnesses for deposition until after close of business on Tuesday, March 3. As you know, under the Local Rules, that means the earliest possible date for any of these depositions is March 16. Moreover, as noted in our correspondence, we anticipate that at least one of these individuals would be a 30(b)(6)

representative. Assuming NS serves a 30(b)(6) notice before close of business today, the earliest those depositions could be taken under the Local Rules is March 20.

NS has already scheduled other depositions on March 11, 12, 13, 18, 19, and 25, and the parties have a mandatory, court-ordered mediation on March 24. As you will recall, counsel for NPBL has asked that we not double-book depositions—a professional courtesy that CSXT has honored when scheduling all of its depositions. We are still working to determine if Mr. Burns is available on March 20, the date NS noticed for his deposition. We have confirmed, however, that Messrs. Girardot, Warren, and Strongosky are not available on March 16 or 17 – the only remaining dates before March 25, the arbitrary cut-off that NS now seeks to impose.

CSXT anticipated these potential scheduling issues early in the litigation. We issued 30(b)(6) notices to NPBL and NS on January 6, and we identified the majority of NS and NPBL deponents by January 13 – more than a month before CSXT took its first deposition. And, on February 11, CSXT asked NS to provide a 30(b)(6) notice, so that CSXT could identify its 30(b)(6) representatives and confirm their availability. NS expressly declined to do so at that time, and it has not done so to date.

In light of our witnesses' busy schedules, and relying on your representation that NS would be flexible on dates and locations for these depositions, we have provided multiple alternate dates for deposition of Messrs. Girardot, Warren, and Strongosky. All of those dates fall before or within days of the close of NS's discovery period on March 31.

We are happy to work with NS to find mutually agreeable dates for the depositions of Messrs. Girardot, Warren, Strongosky, and Burns, and we will extend you every professional courtesy that is logistically possible. CSXT cannot, however, accommodate NS's request, sent Friday, March 6 at 11:01 p.m., to complete all four of these depositions by March 25.

I suggest we have a meet and confer call today or tomorrow to address this issue. Please let me know your availability for that call.

Thank you,
Jeanne

Jeanne E. Noonan

McGuireWoods LLP

T: +1 757 640 3719 | M: +1 757 289 6526

From: Cooper, Massie P. <Massie.Cooper@troutman.com>

Sent: Friday, March 6, 2020 11:01 PM

To: Noonan, Jeanne E. <jnoonan@mcguirewoods.com>; Peterson, Ashley P.

<APeterson@mcguirewoods.com>; McFarland, Robert W.

<rmcfarland@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>;

Dougherty, Vera Kathleen <ykdougherty@mcguirewoods.com>; Justus, J. Brent

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Joyner <ajoyner@cwm-law.com>

Subject: RE: CSXT, et al v. NS, et al - Deposition Notices and Subpoena

EXTERNAL EMAIL; use caution with links and attachments

Jeanne,

We will serve Mr. Ingram directly.

We issued deposition notices for Robert Girardot, Carl Warren, and Jay Strongosky on Tuesday March 3. Under local rules in the EDVA, providing 11 days' notice is considered reasonable. We are willing to work with you to find mutually agreeable days for these depositions the week of March 16, or earlier, but it's not acceptable for these depositions to occur after March 24. We worked with you to find mutually agreeable days for the depositions of Norfolk Southern deponents, and we are expecting you will extend the same professional courtesies in this instance.

Please suggest additional days the witnesses are available prior to March 25.

We are working to finalize our CSXT 30(b)(6) deposition notice and should have that to you early next week.

Massie

Massie P. Cooper

troutman sanders

Direct: 804.697.1392

massie.cooper@troutman.com

From: Noonan, Jeanne E. <jnoonan@mcguirewoods.com>

Sent: Friday, March 6, 2020 4:52 PM

To: Cooper, Massie P. <Massie.Cooper@troutman.com>; Peterson, Ashley P.

<APeterson@mcguirewoods.com>; McFarland, Robert W.

<rmcfarland@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>;

Dougherty, Vera Kathleen <ykdougherty@mcguirewoods.com>; Justus, J. Brent

<bjustus@mcguirewoods.com>; Gollogly, Krystal Lynne

<KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>;

Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C.

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thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond

Joyner <ajoyner@cwm-law.com>

Subject: RE: CSXT, et al v. NS, et al - Deposition Notices and Subpoena

EXTERNAL SENDER

Massie,

We are unable to accept the subpoena on behalf of Mr. Ingram at this time. Since he lives in Jacksonville, we are open to holding his deposition at our offices on the 19th, should he be available on that day. And, if we hear from Mr. Ingram before 3/19, we will inform you accordingly.

With respect to the other depositions noticed, we are currently working on available dates for Mr. Burns. We have available dates for the remaining individuals as follows:

Mr. Warren: 3/25, 3/26, 3/27

Mr. Girardot: 3/25, 3/31, 4/1, or 4/2

Mr. Strongosky: 3/31, 4/1, or 4/2

In addition, although we are not in receipt of a 30(b)(6) notice or topics, we would anticipate that at least one of the individuals you noticed could be a CSXT 30(b)(6) witness, although we cannot confirm that at this time. In the event that NS intends on taking a 30(b)(6) deposition, we would prefer that these individuals only be deposed once, as CSXT did with Mr. Joyner.

If you could let us know whether the above dates will work for you as soon as possible, it would be much appreciated. As I am sure you understand, several are frequent travelers and we would like to be able to confirm the dates before their schedules fill up.

Thank you,
Jeanne

Jeanne E. Noonan

Associate

McGuireWoods LLP

World Trade Center

101 West Main Street

Suite 9000

Norfolk, VA 23510-1655

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M: +1 757 289 6526

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jnoonan@mcguirewoods.com

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<image001.jpg>

From: Cooper, Massie P. <Massie.Cooper@troutman.com>

Sent: Friday, March 6, 2020 6:18 AM

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<vkdougherty@mcguirewoods.com>; Justus, J. Brent <bjustus@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; mmccarroll@redgravellp.com; ichapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; wespivey@kaufcan.com; cjbelote@kaufcan.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyner@cwm-law.com>
Subject: RE: CSXT, et al v. NS, et al - Deposition Notices and Subpoena

****EXTERNAL EMAIL; use caution with links and attachments****

All,

I am following up on my email from Tuesday to see if McGuireWoods is willing to accept the subpoena on behalf of Tony Ingram. Please let me know by the end of the day.

Massie

Massie P. Cooper

troutman sanders

Direct: 804.697.1392

massie.cooper@troutman.com

From: Cooper, Massie P.

Sent: Tuesday, March 3, 2020 7:41 PM

To: Peterson, Ashley P. <APeterson@mcguirewoods.com>; McFarland, Robert W. <rmcfarland@mcguirewoods.com>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; Noonan, Jeanne E. <jnoonan@mcguirewoods.com>; Dougherty, Vera Kathleen <vkdougherty@mcguirewoods.com>; Justus, J. Brent <bjustus@mcguirewoods.com>; Gollogly, Krystal Lynne <KGollogly@mcguirewoods.com>; Wingfield, Alan D. <Alan.Wingfield@troutman.com>; Lacy, Michael E. <Michael.Lacy@troutman.com>; Lynch, John C. <john.lynch@troutman.com>; Flowers, Elizabeth Spain <Liz.Flowers@troutman.com>; Knudsen, Kathleen M. <Kathleen.Knudsen@troutman.com>; mmccarroll@redgravellp.com; ichapman@cwm-law.com; wrsnow@cwm-law.com; ddavenport@cwm-law.com; dhartnett@cwm-law.com; wespivey@kaufcan.com; cjbelote@kaufcan.com; tara.reinhart@skadden.com; john.thornburgh@skadden.com; thomas.gentry@skadden.com; Stephanie Hunter <shunter@cwm-law.com>; Armond Joyner <ajoyner@cwm-law.com>

Subject: CSXT, et al v. NS, et al - Deposition Notices and Subpoena

All,

Please see the attached notices of deposition for Robert Giradot, Carl Warren, Jay Strongsky, and Michael Burns. We are willing to work with the witnesses on availability and location if the noticed date and location do not work. I have also attached a subpoena for the deposition of Tony Ingram. Will you accept service of this subpoena or should I serve Mr. Ingram directly?

Massie

Massie P. Cooper

troutman sanders

Direct: 804.697.1392

massie.cooper@troutman.com

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